

APPROVED: Meeting No. 37-97

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 28-97

June 16, 1997

The Mayor and Council convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on June 16, 1997, at 7:40 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright
(Arrived 7:45 pm)

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Kuckkahn invited everyone to attend the City's Independence Day festivities at Richard Montgomery High School on July 4. Entertainment begins at 6:30 p.m., followed by the fireworks show at 9:30 p.m.

2. Rockville is in the process of developing a Bicycle Master Plan to be adopted by the Mayor and Council for implementation over the next several years. The goal is to make Rockville a bicycle-friendly community where biking is accepted as a comfortable alternative to other modes of transportation and recreation. The City is holding Bicycle Master Plan Open Houses from 7-9 pm on July 1 (Rockville Senior Center); July 10 (Wootton High School); and July 16 (Rockville Civic Center Park Social

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Hall). Anyone interested in hearing what the City is planning for bicycles in Rockville are encouraged to attend one of the open houses. Mr. Kuckkahn said that the City is also interested in hearing what citizens have to say about the Plan. Copies of the Bicycle Master Plan are available at City Hall.

Re: Presentation of Rockville
Scholarship Foundation, Inc.
(RSF) Awards.

Richard Rothenberg, President of the RSF and Brian Barkley, President of the Rockville Chamber of Commerce presented awards to the following 1997 recipients: Jedidiah Fonner (Richard Montgomery High School), Ryan Van Grack (Richard Montgomery High School), Erin Anastasi (Johns Hopkins University), Hope Herring (Montgomery College). Also present during the awards presentation were Michelle Saxty, (Executive Director of the Chamber of Commerce), Peg O'Connell (Richard Montgomery Career Education Coordinator), and Nancy Regelin and Steve Schiff (members of the Rockville Scholarship Foundation Board of Directors).

Re: Receipt of Imagine Rockville
Final Report and Presentation to
the Imagine Rockville Steering
Committee.

Mayor Krasnow said that the Visioning process was a very exciting one, and it brought together a group of citizens to determine where the City stood, where it was headed and where it should end up. The Mayor noted those members of the Visioning Steering Committee who were present in the audience: Wilma Bell, Bill Meyer,

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Rina Cantrell, Melissa Opryszko, Todd McKenzie. Other members who could not be present were Walt Davis, Nancy Keefe, Leah Barnett, Rob Mangold, and Ray Whalen. The Mayor also acknowledged member Toshio Hoshide who unexpectedly passed away a few weeks ago.

Melissa Opryszko, on behalf of the Steering Committee, presented the final Report of Imagine Rockville. She thanked the Mayor and Council for supporting the initiative and said it was a real honor to be part of the process. Councilmember Harrison pointed out that Mayor Krasnow was also a member of the Steering Committee. Mayor Krasnow said that the work of the Visioning process was not complete; the projects which were put into place now have to be implemented. A Coordinating Committee composed of representatives from each of the Action Teams will oversee this aspect of the process. The seven Action Teams, representing a wide variety of ideas, are continuing to hold meetings on a regular basis. Residents can still become involved; updates and schedules of upcoming meetings will be published in Rockville Reports. Mayor Krasnow then presented the City's special "Key Pin to the City" to each member of Steering Committee.

Re: Presentation to the Mayor and
Council from Brian Barkley,
President of the Rockville
Chamber of Commerce.

Brian Barkley presented a check in the amount of \$500 to the Rockville Youth Scholarship Fund. The donation represents a portion of the proceeds raised during the Chamber's 1997 Mazda Miata Car Raffle.

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Re: Citizens Forum

1. Lih Young, 1121 Pipestem Court said that she ran for State Senate in 1994 and Congress in 1996. In looking at the June 11 issue of the Rockville Gazette, she noticed the article about the Rockville Public Safety Awards ceremony and the eleven City police officer recipients. She recommended that the Mayor and Council list each officer's merits in the newspaper. Ms. Young then suggested that the City have a citizen review board or hold a town hall meeting to encourage people to do the right things and encourage the police to be more of a role model. She also spoke about a complaint she had against a Rockville police officer.

Re: Presentation of Legislative
Report

The Mayor and Council welcomed Senator Jennie Forehand and the District 17 Delegation. The following is a brief synopsis of the legislative report presented by Delegates Kumar Barve, Cheryl Kagan, Mike Gordon and Senator Jennie Forehand.

Delegate Barve (Chair, Montgomery County House Delegation) reported on issues and legislation passed regarding health care, and science and technology. He noted that capital funding was significantly increased for projects such as the Center on Domestic Violence, the new County Detention Center in Clarksburg, the Maryland Technology Center and construction of an arts center at Strathmore Hall. Delegate Kagan reported on issues and new legislative changes regarding transportation, toll-free access to State government, campaign finance issues, and campaign finance laws. She also reported

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on funding received for the arts (including funding for Rockville Arts Place) and for increased lighting and security cameras on the North Rockville Pedestrian Bridge.

Delegate Gordon commented on the Delegation's success over the years in receiving over \$6.45 million dollars in bond money for the City. This legislative year, the Delegation introduced and sponsored legislation which resulted in the City receiving a \$375,000 bond issue for the Civic Center complex. Mr. Gordon also spoke about tax decreases and the

reduction of certain licensing fees for small business. Senator Forehand reported on legislation pertaining to domestic violence, juvenile crime records, vehicle emissions, tobacco vending machines, higher education needs, safety upgrades on Falls Road, and the Inter-County Connector.

Mayor Krasnow thanked the members of the Delegation. She said that the Mayor and Council would begin to work earlier in the year with the Delegation on any upcoming issues which affect Rockville.

Re: Appointment

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Lucille Roberts was appointed to full membership status on the Animal Matters Board.

(Councilmember Harrison stepped away from the meeting at 8:32 pm)

Re: Approval of Minutes

Upon motion of Councilmember Wright, duly seconded and unanimously

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passed, the Minutes of Meeting No. 13-97 (March 18, 1997) were approved as amended.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Minutes of Meeting No. 14-97 (March 19, 1997) were approved as written.

Re: Consent Agenda

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- (A) Approval of reconveyance of title to approximately 988 sq. ft. of land in the Tower Oaks Subdivision to the Villages of Towers Oaks Homeowners Association.
- (B) Award of Bid #55-97
To: ADS Environmental Services, Inc.
Of: Baltimore, MD
In the amount of \$26,464.89

For: Sanitary Sewer flow monitoring services.
- (C) Award of Bid #82-97
To: S.M. Christhilf
Of: Timonium, MD
In the amount of \$24,125

For: Purchase of one replacement 72-inch commercial rotary mower.
- (D) Award of Bid #91-97
To: BASH Lighting Services Mid-Atlantic, Inc.
Of: Baltimore, MD
In the amount of \$29,497.30

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For: Lighting controls for F. Scott Fitzgerald Theatre

- (E) Award of Bid #1-98
 To: Romano Concrete Construction, Inc.
 Of: Silver Spring, MD
 In the amount of: \$600,000

For: Concrete Maintenance FY98.
 Includes street repairs, utility patches, handicap ramps, and miscellaneous small sidewalk links.

- (F) Award of Bid #2-98
 To: Chesapeake Publishing Company
 Of: Beltsville, MD
 In the amount of: \$31,670.00

For: Printing, preparation of mailing and mailing of Recreation and Parks seasonal program guides.

- (G) Extension of Proposal of #86-96
 To: Worklife Design and Carter Consulting
 Of: Fort Collins, Colorado
 In the amount of: Not to exceed \$29,400

For: Consulting and Facilitation Services

(Councilmember Harrison returned at 8:36 pm)

Re: Adoption of ordinance to appropriate funds and levy taxes for Fiscal Year 1998.

The ordinance sets the operating and capital budgets for Fiscal

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Year 1998. The proposed property tax rate is 82 cents per \$100 of assessed valuation.

Ordinance No. 4-97

Councilmember Harrison remarked that the Fiscal Year 1998 proposed tax rate was flat; there was no increase or decrease in taxes. During the budget worksession, it was reported that the Deputy City Manager was heading a committee to study revenues in order to try and achieve some balance in the future. Mr. Harrison said that he strongly supported the effort because over the past few years, the City tended to underestimate the amount of revenues it would receive. He also said that over the next few years, the City would experience significant new growth and it was incumbent on the Mayor and Council to plan for a stable or declining tax rate in the future because one benefit of the new growth should be lowered taxes. Mr. Kuckkahn said that the City was projecting what resources would have to be provided for the new growth areas and the revenues that could be generated from them.

Councilmember Wright suggested that staff set up regularly scheduled times for the Deputy City Manager to report her findings back to the Mayor and Council. By doing so, the Mayor and Council will have an earlier sense of the steps that are being taken and the direction they are heading, as opposed to hearing and discussing the data during the budget process. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the amendments to the Budget Ordinance were approved. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the ordinance

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to appropriate funds and levy taxes for Fiscal Year 1998 was adopted. A copy of the full text of the ordinance may be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Adoption of ordinance to amend Section 24-47 of the Rockville City Code, entitled "Sewer Usage Charge."

The amendment to the ordinance increases the rate from \$2.79 to \$2.94 per thousand gallons of consumption, effective July 1, 1997.

Ordinance No. 5-97

Councilmember Marrinan stated that the sewer rate increase was a result of the charges the City had to absorb from changes made at the Blue Plains processing plant. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the ordinance to amend Section 24-47 of the Rockville City Code, entitled "Sewer Usage Charge," was adopted. A copy of the full text of the ordinance may be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Adoption of resolution to establish service charge rate for municipal refuse collection at \$20.00 per single family residence per month

Resolution No. 10-97

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the resolution to establish service charge rate for municipal refuse collection was adopted. A copy of the full text of the resolution may be found in Resolution Book No. 11

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11 of the Mayor and Council.

Re: Adoption of resolution to close completed capital projects. At the end of each fiscal year, the City closes the accounts pertaining to capital projects for which all work has been completed and paid.

Resolution No. 11-97

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the resolution to close completed capital projects for Fiscal Year 1997, was adopted. A copy of the full text of the resolution may be found in Resolution Book No. 11 of the Mayor and Council.

Re: Adoption of resolution to endorse the acquisition, construction, rehabilitation and/or operation of the development of the housing at Rockville Commons, formerly known as the Blandford Apartments, by Rockville Commons L.P., and to express the intent of the Mayor and Council to approve a soft loan to Rockville Commons L.P. in the amount of \$250,000.00.

Resolution No. 12-97

KSI Services, Inc. entered into a contract to purchase the former Blandford Apartments in Rockville. The major portion of the purchase and renovation costs for the development will be provided through the issuance of tax-exempt bonds by the State

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Community Development Administration. The property will be owned by a partnership created by KSI and called "Rockville Commons Limited Partnership." KSI'S deadline to purchase the property is June 30, 1997. As a condition of their bond issuance, the State requires that the local governing body express their approval of the project to be financed. Finance Director Donna Boxer explained that the resolution before the Mayor and Council would endorse the acquisition and rehabilitation of the former Blandford Apartments and express the Mayor and Council's intent to approve a soft loan to Rockville Commons. Ms. Boxer said that once the loan documents were prepared, reviewed and discussed, staff would need to get the Mayor and Council's approval of the \$250,000 loan.

Greg Lamb, representing KSI, Inc., confirmed that the County was asked to approve a similar resolution to approve acquisition, rehab and the use of tax exempt bonds for the financing of the property. Mayor Krasnow commented that the rent structure was considerably higher than rents previously paid by tenants, and she asked Mr. Lamb to comment. Mr. Lamb explained that the property was being financed by using tax exempt bonds. There are requirements that the units be made available to persons earning no more than 60 percent of the median income. The median income for a family of four in this area was approximately \$70,000 dollars. Sixty percent of that amount was \$40,000. Mr. Lamb said the corresponding rent associated with that median income was approximately \$750 for a two bedroom unit. For a fully rehabilitated unit, KSI will charge \$720-775 per unit. Mr. Lamb said that all of the units were two bedrooms and KSI was spending quite a bit of money in rehabilitating the properties. KSI was very

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excited and felt that the property will be an improvement to its current state. Mr. Lamb said that KSI had completed similar projects in Virginia. They are the largest developer of rehabilitation properties in Northern Virginia using tax exempt bonds. Mr. Lamb also said that KSI Management Company will run and manage the tax development property.

Ms. Boxer noted that the City had discussed with KSI, a provision for additional lower income units once cash flow permitted. She said that there was a proposal by County Councilmember Bill Hanna that 10 percent of the units be affordable to families at 40 percent of median income. This was not a large decrease, but it did provide an additional public purpose in the form of reduced rents. The City and the County were both interested in establishing such a provision. The language to effect this would be worked out before the loan approval came back for the Mayor and Council's approval.

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the resolution to endorse the acquisition, construction, rehabilitation and/or operation of the development of the housing at Rockville Commons, and expressing the intent of the Mayor and Council to approve a soft loan to Rockville Commons L.P. in the amount of \$250,000.00, was adopted. A copy of the full text of the resolution may be found in Resolution Book No. 11 of the Mayor and Council.

Re: Adoption of resolution amending
Section 3 of Article III of the
Charter of the City of Rockville
so as to change the deadline for
filing as a candidate in the City's

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biennial election from 45 days to
60 days preceding that election.

Resolution No. 13-97

Mayor Krasnow pointed out that persons interested in running as a candidate in the City's November 4th election, would have to file by September 5, 1997; which was 15 days earlier than the deadline in the past. The Charter Amendment would primarily give the City Clerk and others connected with the election process, time to prepare the ballot. Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the resolution amending Section 3 of Article III of the Charter of the City of Rockville was adopted. A copy of the full text of the resolution may be found in Resolution Book No. 11 of the Mayor and Council.

Re: Approval of Articles of
Incorporation and Recommended
Bylaws for Greater Rockville
Partnership, Inc.

On January 13, 1997, the
Economic Development Steering
Committee presented its
recommendations regarding the
creation of an Economic
Development Corporation known
as Greater Rockville Partnership,
Inc., to serve the needs of the
City.

The Greater Rockville Partnership is the Mayor and Council's economic development effort in the City. The Economic Development Division was taken out of City Hall with the intent to start a non-profit corporation whose major purpose would be

to retain existing businesses and to recruit new ones. Mr. Kuckkahn said that the Articles of Incorporation were being presented for the Mayor and Council's approval. Their recommendations on the Bylaws will be forwarded to the corporation's board of directors so that they could develop their own. The following changes were made to the Articles of Incorporation:

Councilmember Harrison recommended that under the "Purposes" listed for the corporation, paragraph (g), the corporation should not only assemble, maintain and disseminate information on the City's business community, but also on the workforce and the economic climate, as well. The Mayor and Council agreed with Mr. Harrison's amendment.

The Mayor and Council then engaged in questions about the Bylaws, which were responded to by Mr. Glasgow. Regarding the corporation's Bylaws, the City Attorney was directed to make the following recommendations to the Greater Rockville Partnership:

- (1) Greater Rockville is a private corporation and their meetings do not have to be open to the public; however, the Mayor and Council are interested in having the board of directors meetings open to the public, unless the directors, by majority vote, feel the session should be closed. A recommendation was made to add language about the notice required for closing the executive sessions.
- (2) Add language that the Mayor and Council may appoint to the Board, up to

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two persons who are non City residents, nor City businesses owners.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Articles of Incorporation, as amended were approved. The Mayor and Council's general approval for the bylaws with the recommendations listed above, was given.

Re: Appointment of initial Board of
Directors for Greater Rockville
Partnership, Inc.

In order to finalize the Articles of Incorporation and to incorporate Greater Rockville Partnership in the state of Maryland, the initial Board of 10 directors needs to be appointed by the Mayor and Council. Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the following appointments were made: Larry Cunnick (Biocon, Inc.); Ray Whalen (Carey Winston Commercial Real Estate Services); Paul Love (Foster, Soltoff & Love, Ltd.); Dick Stoner (The Reist Corporation); Stuart Stein (Hogan & Hartson); Alan Kutz (Maryland Department of Business and Economic Development); Bridget Ware (Community Development Center for Policy Alternatives); Dr. Floyd Cumberbatch (Montgomery College); Kenneth Schoo (Signet Bank); and Al Lampert (Aspen Systems Corporation).

Re: Discussion and Instructions to
Staff regarding MAP97-0063,
Hillrose, LLC, Fall Line
Company, Chestnut Lodge
Research Institute, Inc., and
Anthony R. Bullard, Trustee,
Applicants.

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and

Re: Discussion and Instructions to
Staff regarding PRU97-0019.
Hillrose, LLC, Applicant.

Chief of Planning Lisa Rother explained that both the Map Amendment and Planned Residential Unit Applications would be considered concurrently since they both applied to the same property. The Map Amendment Application seeks rezoning of approximately 39 acres of land along Great Falls Road, and it is the subject of a Planned Residential Unit Application PRU97-0019, which was an exploratory application for the development of approximately 147 single-family detached residential lots located on the property.

The Map Amendment application requests rezoning of the property from the R-S Zone to the R-90 Zone to permit development of approximately 147 single family homes on the site. The Map Amendment would be required to reclassify the land. Ms. Rother said that the Planning Commission reviewed the application and did not recommend approval based on a tie vote of the members present. The Mayor and Council discussed both applications concurrently and pointed out many issues. These issues are summarized below.

(1) ISSUE: The applicant's allegation that a previous Mayor and Council erred in assuming that Chestnut Lodge would continue to operate as a hospital on the entire acreage. Councilmember Wright said that he felt that the mistake was the assumption made a few years ago, that the Bullards Family would continue to own the property and

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operate it as a hospital on all 60 acres. He commented that the assumption that did not prove to be correct was that the Bullards would continue to own and operate the hospital on the property. Mr. Wright said that this was what changed in his mind in terms of supporting the application.

Councilmember Harrison said that he did not think that an error was made by the earlier Mayor and Council. In 1989 when the last comprehensive rezoning took place, the owner of the Chestnut Lodge came before the Mayor and Council and stated their intention to continue to operate Chestnut Lodge as a psychiatric hospital. In relying on that opinion, the Mayor and Council made the right decision in zoning that property R-S.

Mayor Krasnow said that her own feeling was that indeed there was an error in the assumption made by the Mayor and Council because she felt that the Mayor and Council set the zoning based on the assumption that the property would continue to be a psychiatric hospital. She said that she felt it more strongly because before Rose Hills was developed, it also had been zoned Residential-Estate. Woodmont Country Club was zoned Residential-Estate and whenever there were these types of institutional uses, they were not zoned. She felt that the Mayor and Council made the assumption that it would remain as a psychiatric hospital and she had no problem with the idea that there was an error on the part of the Mayor and Council and she had no problem with rezoning it to R-90 which she felt was compatible with the surrounding neighborhood.

(2) ISSUE: Other matters raised after the Public Hearing, e.g., stream definition, preservation of wetlands, storm water management plans and implementation -

Mr. Kuckkahn said that these types of issues could be held for a detailed discussion. Ms. Rother said that there had been a great deal of work already done on the environmental issues. She referred to a memo written by the City's Civil Engineer which addressed how engineering staff had been looking at the issues.

(3) ISSUE: Side setbacks as they relate to the number of units proposed for the development - The Mayor and Council generally agreed that a 4 foot side setback resulted in the houses being too close together. Staff confirmed that the setback requirements would be determined as part of the Exploratory Application stage; however the Mayor and Council should decide whether to decrease the number of units, or clearly indicate to the Planning Commission whether the side yards were adequate or not.

Councilmembers Wright and Marrinan both expressed a desire to change the number of units; but only after all of the issues were explored. Ms. Rother suggested that the Mayor and Council needed to look at the overall development picture--the density of the development, the amount of open space, and the buffers. She said that the setbacks were important but the Mayor and Council were charged with looking at the overall development plan.

Councilmember Dorsey said that he wondered if the Mayor and Council were allowing their own personal preferences about side setbacks to get in the way. He said that the home buyers' market would determine if the houses were too close together. If the developer were to build the houses 4 feet apart and potential buyers did not like what they saw, they just would not buy the house. Mr. Dorsey said he personally felt

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that 4 feet sounded too close. He questioned whether there were any safety concerns with houses being that close in distance. However, he said that if the Mayor and Council's decision was based on their looking at a plan for a house that they weren't going to buy, he would be concerned that they were then affecting the economics of the plan by requiring that fewer or narrower houses be built.

(4) ISSUE: The development's loss of its neo-traditional features -

Councilmember Harrison expressed concern that there were a lot of houses proposed. It would be a very crowded development and although there is park land in places, it was spread around the edges of the development and it was no longer the neo-traditional neighborhood that was first proposed. It was not a neighborhood that had open spaces within or internal to the neighborhood. He said it was a standard subdivision with many homes that were only 4 feet apart.

Mayor Krasnow said that she agreed that 4 feet was not a big enough setback. She was a big supporter of neo-traditional town planning; and that was why she liked the King Farm; because while certain features were lost, others were gained. She said that her problem with the Chestnut plan was that one no longer gained certain features and she noted item by item, those features gained and lost; e.g., a high density development and a mix of housing types; however, there was no reduced dependence on the private automobile because the roads were fairly long and winding. Civic open space was not created because all of the buffers were now in the back of the development. She did note certain other benefits gained as a result of all of the work with the neighborhood:

the gain of Bullards Park and a historic district, the adequate environmental protection in place, and the numerous trade-offs agreed to between the neighborhood and the developer. Larry Goldstein, Principal with Hillrose, L.L.C., said that the side yard debate was obviously in the minds of the residents. He was approached by many people with different ideas, and he said that members of the Planning Commission wrote about different setbacks. He said the developers have looked at the issue and spoke to the builders who were potentially building on the site. Mr. Goldstein said that while 4 feet setbacks gave the developer more flexibility, they were prepared to accept a 6 foot side yard. They preferred to know what the recommended side yard was going to be, as opposed to leaving it undetermined, because from an economic point of view, they would be able to market the lots to the builders at the appropriate time.

Based on the Mayor and Council's discussions, staff was instructed on the following issues:

- (1) Proceed with a change to the minimum side yard setback to 6 feet.
- (2) Mayor and Council want to see additional details about how the development would impact traffic immediately adjacent to the property and on Route 270.
- (3) Clarify whether the stream is intermittent or an ephemeral stream.
- (4) Specify that the HOA Open Space area near the stream will be a passive buffer area.
- (5) Mayor and Council reiterated their request for staff to develop stream buffer guidelines and again stressed the need for such guidelines

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(6) The essential elements of the Plan that the Mayor and Council feel ought to be implemented need to be established as part of the Mayor and Council's Concept Plan resolution approval. The areas which require more detailed information, are the areas that should be left to the Planning Commission. Staff should identify areas that need to be specifically looked at because of unique topographical or site factors. It should be clearly stated that should the Planning Commission see things differently, or if there is some omission, this does not bind the Commission, nor does it prevent them from actively considering it or making a decision.

(7) The Mayor and Council want to give the Commission the flexibility to approve up to 149 units, but it could be a lesser amount if topographical and site features demonstrate that the property would not fully accommodate 149 units.

(8) Staff will prepare an ordinance for introduction on July 14 and adoption on July 28. The PRU can not proceed any quicker than the underlying base zoning is achieved. Thus, on July 14, staff will address those areas in the PRU application and give the Mayor and Council additional information to help refine the specifics of the PRU. The resolution could be brought forth for adoption on July 28, along with the ordinance adopting the underlying zoning map change.

(9) The Mayor and Council requested that public hearings not close on the day that the Mayor and Council meet for Discussion and Instructions to staff. All public records should be closed at 5:00 pm on the day falling at least one week before the matter is brought back for Discussion and Instructions.

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Mayor Krasnow noted that the Mayor and Council were reorganizing the Planning Department and were developing a neighborhood resource coordinator position.

She said that the Chestnut Lodge process justified the need for such a position.

Ms. Krasnow said she felt that Mr. Goldstein was admirable for his willingness to go into every individual's home; however that is not what the Mayor and Council wanted to happen every time a project came before the City. That was why the Mayor and Council approved the idea of a neighborhood resources coordinator--in order to facilitate developers early in the process, on what the community expected.

Re: Discussion and Instructions to staff regarding amendments to the Residential Townhouse (RTH) special development procedure.

To provide guidance for preparation of a text amendment to amend the RTH development procedure.

The moratorium on accepting applications for RTH developments expires August 4, 1997. Councilmember Harrison said that the RTH text amendment was well written and generally reflected the intent of the Zoning Ordinance Review Group (ZORG). However, it did not address the criteria that RTH's may not be used as a transitional land use behind a PRU or other special development procedures and single family homes. He said that a developer should not be allowed to overload a neighborhood with additional town houses that were not covered by an original PRU, where special development

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procedures were already in place.

Mayor Krasnow suggested that a minimum acreage be established for townhouse overlays. She said she was concerned that a single family lot was not a transitional use; almost by definition, it is a single, single-family lot. The Mayor and Council agreed that they were trying to make it much more difficult to do a town house overlay. In looking at the "Appropriate Use of RTH as Transitional Land Use" chart, she did not understand why one could put townhouses as a transition between single family development and commercial uses, and also between single family and office uses, but not between multi-family and commercial uses.

Councilmember Harrison agreed with the Mayor, and he proposed adding a category for other special development uses (e.g., PRU or CPD) and show on the chart that there would be no appropriate use of RTH as a transitional land use between special development uses and other uses. Ms. Rother summarized that special development procedures already had a type of variance or special exception type of use, and the Mayor and Council do not want that to be the criteria for granting another one.

Staff was asked to come back with information about how the transitional use criteria would apply in public use areas, such as in the townhouse development built behind the Twinbrook Metro. The Mayor and Council questioned whether or not this would be possible under the proposed RTH text amendment.

Ms. Rother said that she believed that the Metro parking lot behind the townhouses had a land use proposal for a high density residential and that may be one of the uses the Mayor and Council want to establish rather than an existing or proposed land use. Staff will provide more detail on this issue.

Councilmember Dorsey asked that staff also provide a chart, similar to the one in the briefing materials, which showed how the current appropriate uses compared to the proposed uses of RTH transitional land use. Staff was instructed to address the issues listed above and bring back an ordinance for introduction on July 14.

Re: Authorization for the City
Manager to execute a
Termination of Easements
Agreement.

Ed Duffy, Community Development Program Manager, explained that the City and various owners of the Rockville Mall property granted and received a number of easements over the past three years which were necessary to further the efforts to develop and redevelop the mall. The Transition and Development Agreement with Rockville Center, Inc. recognized that the easements would have to be terminated eventually and Section 7.06 of the Agreement provided for the termination. Staff examined the easements and concluded that they were no longer necessary. The easements are largely located in the part of the former Mall property that was demolished. Staff recommended that the Mayor and Council approve the termination of the easements described in staff's memo and to authorize the City Manager to execute the Termination of Easements Agreement

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with the condition that RCI convey to the City, a pedestrian easement covering the arcade on the south side of 250 Hungerford Drive. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the City Manager was authorized to execute a Termination of Easements Agreement.

Re: Correspondence

1. Councilmember Marrinan commented on the recently enacted legislation which allowed municipalities to enforce the noise ordinance as it pertained to loud vehicle car stereos. Now that it was State law, the City's police could begin to enforce it.

2. Councilmember Marrinan then spoke about the monopole issue. He said that there was still some uncertainty on the part of some residents about the City's position on the proposed monopole at the Glen Mill water tower site.

Councilmember Wright said that residents in the Wootton school cluster needed to be made aware that the Montgomery County Public School system had not decided on a policy for the entire County. Instead, each high school cluster will be able to determine whether or not it wanted monopoles located on their particular sites. The school system was being approached with similar requests from other companies, and the schools could receive thousands of dollars per month for permitting monopoles on a particular school site. Mr. Wright said that he was generally not in favor of allowing monopoles on school sites. The Mayor and Council came to the conclusion that a monopole was not appropriate for the Glen Mill Water tower site or the Wootton school cluster sites.

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Mayor Krasnow stated that the Mayor and Council made a decision last week to not lease the water tower site, and while their decision does not bind future decisions or future Councils to make the same decision, their positions needed to be clarified to American Personal Communications.

3. Councilmember Wright said that he, along with his fellow Councilmembers attended the June 12th Latino Outreach Program Graduation. It was the largest graduating class with 61 graduates out of a class of over 70 students. Mr. Wright also noted that on June 17, Community Ministries of Rockville celebrated their 7th Annual Music Festival at Georgetown Preparatory School. He said that the event included excellent entertainment by a choir group made up of various churches.

Re: New Business

1. Councilmember Harrison expressed support for separating the issue of walking signs from any other sign issues. Upon motion of Councilmember Harrison, duly seconded by Mayor Krasnow and unanimously passed, the Mayor and Council directed that staff draw up as a text amendment to ban walking signs in Rockville.

Re: Adjourn to Executive Session

Upon motion of Councilmember Wright, duly seconded and unanimously passed, with Mayor Krasnow, Councilmembers Dorsey, Harrison, Marrinan and Wright voting "aye," the Mayor and Council adjourned to Executive Session at 11:20 p.m., pursuant to 10-508(a)(7) and 10-508(a)(1)(ii) of the State Government Article, Annotated Code of Maryland to consult with counsel to obtain legal advice and to discuss a personnel matter.